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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UBS REAL ESTATE SECURITIES INC.,

Plaintiff,

-against-

COUNTY TRUST MORTGAGE BANKERS
CORP.,

Defendant.

Case No.: 07 Civ. 3700 (SAS) (GWG)

ECF Case

**NOTICE OF PLAINTIFF'S
MOTION FOR SUMMARY
JUDGMENT AS TO DAMAGES**

PLEASE TAKE NOTICE that, upon the Declaration of Christopher G. Schmidt, executed on August 8, 2008, and the exhibit thereto, the Declaration of Jeremy M. Sher, executed on August 8, 2008, and the exhibits thereto, the Statement of Plaintiff UBS Real Estate Securities Inc. ("UBS") pursuant to Local Civil Rule 56.1, the accompanying Memorandum of Law, and all prior proceedings in this action, UBS will move the Court (Hon. Gabriel W. Gorenstein), at the United States Courthouse, 500 Pearl Street, New York, New York, pursuant to Federal Rule of Civil Procedure 56, for an order granting summary judgment as to damages on UBS's First Cause of Action in favor of UBS and against defendant County Trust Mortgage Bankers Corp. in the amount of \$792,383.51.

A proposed order granting this relief is annexed hereto.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Civil Rule 6.1, answering papers, if any, shall be served on or before August 22, 2008, and reply papers, if any, shall be served with five business days after service of any answering papers.

Dated: August 8, 2008

MILLER & WRUBEL P.C.

By: /s/ Jeremy M. Sher
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